

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 19, 2000 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Hovland, Johnson, Kelly, and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Johnson and seconded by Member Faust approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

CONSTITUTION WEEK PROCLAIMED Mayor Maetzold proclaimed the week of September 17 through the 23 as Constitution week in Edina. He urged all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Member Faust made a motion adopting a proclamation declaring the week of September 17 through 23 as Constitution Week in Edina. Member Kelly seconded the motion.

Rollcall:

Ayes: Faust Hovland, Johnson, Kelly, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETINGS OF SEPTEMBER 5, 2000, APPROVED** Motion made by Member Johnson and seconded by Member Faust approving the Minutes of the Regular Meeting of September 5, 2000.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR TWO PAVEMENT CUTTERS** Motion made by Member Johnson and seconded by Member Faust for award of bid for two pavement cutters to sole bidder, Brock White Company, L.L.C. under State Contract #409-1199, at \$16,827.00.

Motion carried on rollcall vote - five ayes.

TRAFFIC SAFETY STAFF REPORT OF SEPTEMBER 5, 2000, APPROVED Coordinator Bongaarts explained the Traffic Safety Staff had denied a request from the owners of a commercial building at 6161 Wooddale, for on-street parking on Wooddale south of Valley View Road. Mr. Bongaarts said the City's policy has been to require all commercial buildings to provide off-street parking for tenants and customers. Wooddale currently has "No Parking Anytime" restrictions on both sides of the street from West 61st Street (north of Valley View Road) to Garrison Lane (south of Valley View Road).

Resident comment

Cal Simmons, 4619 Wooddale Avenue, owner of the commercial building at 6161 Wooddale Avenue presented pictures of the area. Mr. Simmons requested some leniency with parking. He explained the growth of the business, requires more parking and he believed the request would not be a burden as there is no residential demand in the area.

Council comments

Minutes/Edina City Council/September 19, 2000

Member Faust inquired if the expanded parking extended to any residences. Mr. Simmons replied that a portion of the expanded parking does extend to the residences.

Member Johnson asked if the space requested would be utilized by the apartment complex. Mr. Simmons responded that he rents four parking spaces from the apartment complex at present, which tells him they have adequate parking. Member Johnson noted the street was narrower than normal. He asked whether parking would be restricted to one side only. Mr. Simmons responded that his request was for parking on one side only.

Member Hovland asked if Mr. Simmons had attempted to gain parking spaces from other commercial property in the area. Mr. Simmons said no because they would not like their employees walking down the hill in the winter.

Member Faust inquired about the street width. Engineer Hoffman explained Wooddale in this area was a residential street not a commercial street. He sees the issue as not putting commercial property parking on City streets except for temporary parking. On occasion, temporary parking is permitted on streets; i.e. during construction. Member Faust commented with only one house on the street it is not very residential.

Member Johnson asked if there are situations where parking is allowed in the City. Engineer Hoffman said he is not aware of any.

Member Hovland said since these situations do exist he believes granting this request would not precedent setting.

Mayor Maetzold elaborated that when some areas of Edina were built, parking standards were very different. He added that Wooddale Avenue carries a lot of pedestrians over the foot bridge to the pool. Coordinator Bongaarts said it is the main thoroughfare for pedestrians to get to Cornelia Park.

Member Hovland asked if allowing on-street parking on one side of Wooddale could be an experiment during the winter months when children are occupied elsewhere.

Member Johnson asked what signage was posted at present in the area. Coordinator Bongaarts said the area was not signed properly now.

Member Hovland inquired whether Mr. Simmons would continue to rent the parking spaces from the apartment complex. Mr. Simmons said yes.

Member Johnson asked if this request was mainly for client parking. Mr. Simmons said they have 27 employees. The building can handle 36 employees with 30 spaces available for parking. With the four spaces rented from the apartment complex and the continued growth of the company, they will be short soon. He stated he has no concern with any restriction that would be put on the parking spaces if the request were approved.

Member Hovland asked if there were other tenants in the building. Mr. Simmons responded they have owned the building for 12 years and are the sole occupant.

Member Faust asked whether the parking was adequate for the square footage of the building. Planner Larsen explained the building had been built in the late 60's under different parking

requirements. The original plans met the existing requirement of 32 parking spaces. Today's code requirement would be for 35 spaces.

Member Kelly asked if the lot size would allow parking lot expansion. Planner Larsen responded it would be a difficult undertaking. He continued that he would examine the plan to see if the two parking spaces in the original plan could be recaptured.

Member Faust said if a test time were to be approved the residences on Woodddale must be protected.

Member Johnson suggested test driving the proposal for a year. He asked if one side of the street would be better for parking than the other. Mr. Simmons said configuring the existing parking was somewhat of an option but he did not want to use the hill for parking.

Mayor Maetzold stated that he could not support permitting on-street parking in the proposed location. He said approving this request could open up the door for numerous commercial building owners to come forward with the same request. When businesses grow out of their space, larger space should be secured in another location.

Member Kelly concurred with Mayor Maetzold's comments. He added traffic needs to be kept low in areas where residences abut commercial areas.

Member Faust stated she does not believe precedent will be set if this request is approved on a temporary basis. She said this would be a good test.

Motion made by Member Faust, seconded by Member Hovland approving the Traffic Safety Report of September 5, 2000, Section A:

- 1. Installation of a "Curve" sign with "15 MPH" advisory sign across from 7017 Antrim Road; and**

Section B.2, and C; and

Section B.1 permitting a two-hour parking on the west side of the 6100 block of Wooddale Avenue beginning just south of the east driveway for the apartment building at 4545 Valley View Road and continuing to the south for 125 feet; for a period of six months. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Johnson

Nays: Kelly, Maetzold

Motion carried.

RESOLUTION NO. 2000-94 OPPOSING THE SALE OF WINE IN OUTLETS OTHER THAN AUTHORIZED OFF-SALE STORES

Assistant Manager Anderson explained the Minnesota Municipal Beverage Association (MMBA) recently made us aware that grocery stores will be making an attempt at introducing some legislation that would allow the sale of wine in grocery stores, convenience stores, gas stations and other retail outlets. The MMBA has asked its members to request their Councils pass a resolution opposing such legislation. If such legislation were to pass, it would have a significant impact to the financial operation of the liquor stores. In 1999, almost 50% of the profit generated by the Edina Liquor Stores was a result of wine sales. In addition, this legislation would increase the number of off-sale establishments in which youth would have the opportunity to access alcohol. Staff recommends approval of the resolution opposing such legislation.

Member Johnson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2000-94

**A RESOLUTION OPPOSING THE SALE OF WINE,
FOR OFF-PREMISE CONSUMPTION, IN OUTLETS
OTHER THAN THE MUNICIPAL LIQUOR STORES**

WHEREAS there is a proposal before the Minnesota Legislature that, if adopted and made law, would allow convenience stores, grocery stores, gas stations and other similar retail outlets to sell wine, wine coolers and associated products for off-premise consumption; and

WHEREAS the City of Edina is endeavoring to curtail youth access to alcohol and tobacco products; and

WHEREAS the proliferation of types of outlets where the sale of alcohol provides additional opportunities for youth to have access to alcohol; and

WHEREAS the sale of wine in any (city) business outlet, for off-premise consumption, other than the City's municipal liquor stores would be detrimental to the financial condition of the City and potentially cause a need for increasing property taxes;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Edina that they hereby oppose the sale of wine, for off-premise consumption, in outlets other than the authorized municipal liquor stores.

Adopted this 19th day of September, 2000.

Member Kelly seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

BEST BUY ENVIRONMENTAL IMPACT STATEMENT RECEIVED Planner Larsen explained that the proposed Best Buy redevelopment is located between 76th Street and I-494 and between Penn Avenue and Knox Avenue. The site is approximately 43 acres in area. The Environmental Impact Statement (EIS) examines two development scenarios, and compares them to a no-build scenario. The first alternative consists of 1.5 million square feet of office space and 7,500 parking spaces. The second alternative contains 1.9 million square feet and 9,500 parking spaces. The city staff in Richfield believe the larger development is unlikely.

In order to understand the size and density of the project, staff looked at two other nearby office developments. Centennial Lakes has 5 buildings with a total floor area of 8870,000 square feet and 3,523 parking spaces. The site including the pond and park is approximately 27 acres. The Homart (Minnesota Center) development in Bloomington was originally approved in Bloomington was originally approved for 1.5 million square feet and 5,200 parking spaces on a 26 acre site. One of the four buildings has been built.

The EIS examines the environmental impact in; 1) storm water management; 2) noise; 3) lighting; 4) sewer capacity; and 5) traffic. The only impact Edina might have is from traffic generated by the development. The EIS studies year 2003 and year 2022 and relies on MnDOT traffic forecasts and roadway improvements.

Following receipt and examination of the EIS, staff drafted a letter of comments to be submitted to Richfield, with Council approval.

Motion by Member Kelly made a motion adopting the comment letter regarding the Best Buy EIS, as presented, for submission to the Administrator of Planning and Zoning for the City of Richfield. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

VARIANCE REAPPLICATION PROCESS EXPLAINED Attorney Gilligan explained he has reviewed the questions of whether the City may impose restrictions on an owner re-submitting a petition for a variance following a denial of a variance petition, according to Council's direction.

Minnesota Statutes, Section 462.357, subdivision 6, provides that appeals to the Board of Appeals and Adjustment may be taken by any affected person upon compliance with reasonable conditions imposed by the City's Zoning Ordinance. Attorney Gilligan suggested a time limit of one year be set before reapplication of a denied variance would be allowed. This is similar to what is done with a rezoning application or when a conditional use permit is denied. It is difficult to enforce a restriction in the variance area as it is easy to modify a variance with a minor modification and in many cases becomes a new variance. Another possibility would be to have the Council act as a Board of Appeals which seems impractical given the number of requests received by the City.

Following a brief Council discussion, no formal action was taken.

PUBLIC HEARING HELD CITY OF MILACA REVENUE NOTE APPROVED Attorney Gilligan explained a public hearing must be held on a proposal from Central Minnesota Diagnostic, Inc. ("CMDI") that the City of Edina consent to the issuance by the City of Milaca of tax-exempt revenue notes under Minnesota Statutes, Section 469.152, to finance the equipment to be owned by CMDI and located at Fairview Southdale Hospital. The City of Edina has previously consented to the other municipalities issuing revenue obligations to finance facilities to be located in Edina. State and Federal laws require that the City of Edina hold a public hearing on the proposed financing and approve such financing.

Attorney Gilligan said the notes would be issued as part of a larger issue by the City of Milaca to finance other equipment of CMDI not located in the City of Edina.

Staff recommends adoption of the proposed resolution consenting to and approving issuance of notes by the City of Milaca.

Motion of Member Johnson, seconded by Member Kelly closing the public hearing.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold
Motion carried.

Member Kelly introduced the following resolution and moved its adoption:

RESOLUTION NO. 2000-95

APPROVING AND AUTHORIZING THE ISSUANCE OF REVENUE NOTES BY THE CITY OF MILACA UNDER MINNESOTA STATUTES, SECTIONS 469.152 THROUGH 469.165, AS AMENDED, TO FINANCE PROPERTY FOR THE BENEFIT OF CENTRAL MINNESOTA DIAGNOSTIC, INC. TO BE LOCATED IN THE CITY OF MONTICELLO

WHEREAS, under the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152-469.165, as amended (the "Act"), each municipality and redevelopment agency of the State of Minnesota (as defined in the Act), including the City of Milaca, Minnesota (the "City of Milaca"), is authorized to issue revenue obligations to finance capital equipment and improvements to land and buildings for the benefit of a revenue producing enterprise to be owned by a contracting party (as defined in the Act); and

WHEREAS, under Section 469.155, subdivision 9, of the Act, municipalities are authorized to enter into and perform contracts and agreements with other municipalities as the governing

bodies of the municipalities may deem proper and feasible for or concerning the financing of a project under the Act, including an agreement whereby one municipality issues its revenue obligations in behalf of one or more other municipalities; and

WHEREAS, the City of Milaca has proposed to issue one or more revenue notes (the "Notes") and loan the proceeds derived from the sale of the Notes to Central Minnesota Diagnostic, Inc., a Minnesota nonprofit corporation (the "Borrower"), to finance the acquisition of hospital equipment (the "Equipment"), to be located at hospitals in various municipalities in the State of Minnesota; and

WHEREAS, a portion of the Equipment will be located in the City of Edina (the "City");

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The portion of the Equipment to be located in the City (as described in the Notice of Public Hearing published prior to the date of consideration of this resolution) is hereby approved by the City and the issuance of the Notes by the City of Milaca for such purpose (in the amount described in the Notice of Public Hearing) and in an aggregate principal not to exceed \$2,500,000 is hereby approved.

2. The Notes to be issued by the City of Milaca to finance the Equipment shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City or the City of Milaca; and the Notes, when, as, and if issued, shall recite in substance that the Notes, including the interest thereon, are payable solely from the revenues received from the Borrower and the property pledged to the payment thereof; and the Notes shall not constitute an obligation of the City and shall not be secured by the taxing power or any property or assets of the City.

3. The Borrower shall pay any and all costs incurred by the City in conjunction with the approval of this resolution, the issuance of the Notes, the acquisition and delivery of the Equipment, and all other costs or expenses paid or incurred by the City with respect to the foregoing, whether or not this resolution is approved, the Notes are issued, or the transaction is carried to completion.

Adopted this 19th day of September 2000.

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

CLAIMS PAID Motion made by Member Kelly approving payment of the following claims as shown in detail on the Check Register dated September 14, 2000, and consisting of 50 pages: General Fund \$268,827.05; C.D.B.G. \$5,865.00; Communications \$6,868.07; Working Capital \$13,187.20; Construction Fund \$714,336.28; Art Center \$5,161.37; Golf Dome Fund \$23,001.80; Aquatic Center Fund \$11,698.79; Golf Course Fund \$46,768.72; Ice Arena Fund \$28,154.70; Edinborough/Centennial Lakes \$36,898.35; Liquor Fund \$270,441.48; Utility Fund \$325,717.39; Storm Sewer Utility Fund \$4,444.84; Recycling Fund \$37,935.20; TOTAL \$1,799,306.24. Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 8:00 P.M.

City Clerk